

EXEMPTIONS

ORS 23.160

Leviable property generally; selectable exemptions. (1) All property, including franchises, or rights or interest therein, of the judgment debtor, shall be liable to an execution, except as provided in this section and in other statutes granting exemptions from execution. If selected and reserved by the judgment debtor or his agent at the time of levy, or as soon thereafter before sale thereof as the same shall be known to him, the following property, or rights or interest therein, of the judgment debtor, except as provided in ORS 23.220, shall be exempt from execution:

- (a) Books, pictures and musical instruments to the value of \$150.00.
- (b) Wearing apparel, jewelry and other personal items to the value of \$500.
- (c) The tools, implements, apparatus, team, harness or library necessary to enable the judgment debtor to carry on the trade occupation or profession by which he habitually earns his living, to the value of \$1,600. Also sufficient quantity of food to support such team, if any, for 60 days. The word "team" in the paragraph does not include more than a span of horses or mules.
- (d) A vehicle to the value of \$800.; but the total exemption claimed and allowed by reason of this paragraph and paragraph (c) of this subsection shall not exceed \$1,600. As used in this paragraph "vehicle" includes an automobile, truck, trailer, truck and trailer or other motor vehicle.
- (e) Domestic animals and poultry kept for family use, to the total value of \$600 and food sufficient to support such animals and poultry for 60 days.
- (f) If owned by a householder, and in actual use, or kept for use by and for his family or when being removed from one habitation to another on a change of residence: Household goods, furniture, radios, a television set and utensils all to the total value of \$800; provisions actually provided for family use and necessary for the support of a householder and family for 60 days and also 60 days' supply of fuel.
- (g) All property of the state or any county or incorporated city therein, or of any other public or municipal corporation of like character.

(2) If the property selected or reserved by the judgment debtor as exempt shall be adjudicated, by the court out of which the execution issued, to be of a value in excess of that allowed by the appropriate paragraph of subsection (1) of the section, the officer making the levy shall proceed to sell such property, and, out of the proceeds of such sale, the officer shall deduct costs of sale and shall pay to the judgment debtor an amount equivalent

to the value declared to be exempt by any of the paragraphs of subsection (1) of this section and shall apply the balance of the proceeds of sale on the execution. No sale shall be made under such execution unless the highest bid made exceeds the appropriate exemption claimed and allowed plus costs of sale. If no bid is received in excess of the value allowed by the appropriate paragraph of subsection (1) of this section, the costs of sale shall be borne by the judgment creditor.

(3) If two or more members of a household are judgment debtors, each judgment debtor shall be entitled to claim the exemptions in paragraphs (a), (b), (c) and (d) of subsection (1) of this section in the same or different properties. The exemptions when claimed for the same property shall be combined at the option of the debtors. (amended by 1957 d.687,1;1965c.577,1;1975 c.208,1)

ORS 23.175 Definitions for ORS 23.175 and 23.185. As used in this section and ORS 23.185:

(1) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amounts required to be withheld by law.

(2) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus or otherwise, and includes periodic payments pursuant to a pension or retirement program.

(3) "Garnishment" means any legal or equitable procedure through which the earnings of an individual are required to be withheld for payment of a debt.
(1969 c.403 ,2)

ORS 23.185 Maximum wage subject to garnishment; exceptions; debtor waiver void; contents of legal process served on garnishee; discharged from employment prohibited. (1) Except as provided in subsection (2) of this section, the maximum part of the aggregate disposable earnings of an individual for any workweek that is subjected to garnishment may not exceed:

(a) 25 percent of his disposable earnings for that week;

(b) The amount by which his disposable earnings for that week exceed 36 times the applicable federal minimum hourly wage prescribed by section 6(a) (1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) as that section is in effect on January 8, 1979, including future minimum hourly wages then prescribed in that section; or

(c) The amount described in paragraph (a) or (b) of this subsection, minus any amount required to be withheld from his disposable earnings for that week pursuant to an order issued under ORS 23.777 or 23.783,

Whichever amount is less.

(2) The restrictions of subsection (1) of this section do not apply in the case of:

(a) Any order of a court of bankruptcy under sections 1 (601) to 1 (686) of the Act of June 22, 1938, ch. 575 (11 U.S.C. 1001 to 1080).

(b) Any debt due for state or federal tax.

(3) No court shall make, execute or enforce any order or process in violation of this section.

(4) Any waiver by a debtor of the provisions of this section is void.

(5) Any legal process served on a garnishee shall indicate whether the provisions of subsection (2) of this section apply.

(6) A copy of this section shall be attached to or made a part of any legal process served on a garnishee.

(7) No employer shall discharge any person for the reason that the person has had earnings garnished.

Approved by the Governor July 26, 1979.

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